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APPLICATION NO.	I	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,424	0/669,424 09/24/2003		Frank Berendes	CH-7929/LeA 36,206	5072
34947	7590	11/18/2004		EXAMINER	
LANXESS PATENT D		RATION ENT/ BLDG 14	TRINH, BA K		
100 BAYER ROAD				, ART UNIT	PAPER NUMBER
PITTSBURGH, PA 15205-9741				1625	
				DATE MAILED: 11/18/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
		10/669,424	BERENDES ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Ba K. Trinh	1625				
	The MAILING DATE of this communication app						
Period for	or Reply						
I HE - Exte after - If the - If NO - Failu Any	MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reply of period for reply is specified above, the maximum statutory period will be set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) d vill apply and will expire SIX (6) MONTHS fro	timely filed ays will be considered timely. In the mailing date of this communication.				
Status							
1)🖂	Responsive to communication(s) filed on 8/16/	2004.					
	Fhis action is FINAL . 2b)⊠ This action is non-final.						
3)[
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims	-					
	4) Claim(s) 1-18 is/are pending in the application.						
	 4a) Of the above claim(s) is/are withdrawn from consideration. 5)⊠ Claim(s) <u>1-16</u> is/are allowed. 						
	Claim(s) <u>17-18</u> is/are rejected.						
	7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.						
الله الله	ciain(s) are subject to restriction and/or	election requirement.					
Applicati	on Papers						
9)□ :	The specification is objected to by the Examiner						
10)[The drawing(s) filed on is/are: a)☐ acce	pted or b) objected to by the	Examiner.				
	Applicant may not request that any objection to the d	lrawing(s) be held in abevance. Se	ee 37 CFR 1.85(a)				
	Replacement drawing sheet(s) including the correction						
11)[The oath or declaration is objected to by the Exa	aminer. Note the attached Office	e Action or form PTO-152				
	nder 35 U.S.C. § 119		77.0.0017.01.107111.1.1.0-102.				
	•						
12)[]	Acknowledgment is made of a claim for foreign	oriority under 35 U.S.C. § 119(a)-(d) or (f).				
,	All b) ☐ Some * c) ☐ None of:						
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
	3. Copies of the certified copies of the priority documents have been received in this National Stage						
* 0	application from the International Bureau						
~ S	ee the attached detailed Office action for a list o	f the certified copies not receive	ed.				
Attachment	(s)						
1) Notice	of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) U Notice	of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate				
Inform کے (د Paper	ation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date 8/16/2004.	5) Notice of Informal P 6) Other:	atent Application (PTO-152)				
S. Patent and Tra	demark Office	IJ Ouler:					
TOL-326 (Re		on Summary Pa	rt of Paper No./Mail Date 11152004				

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DETAILED ACTION

Claims 1-18 are pending.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims fail to provide reaction step(s) and the reagent(s) with the reaction conditions to carry out the claimed processes. The claims do not specifically point out which compounds in claims 15 and 16 to be used to make the desired compounds serotonin or noradrenaline uptake inhibitor or the intermediates.

Claims 1-16 are allowable since the prior art does not teach the current reaction reagents and reaction conditions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba K. Trinh whose telephone number is (571) 272-0695. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba K. Trinh

Primary Examiner Art Unit 1625

TRINH/bkt

15 November 2004